IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.478 OF 2006

Sureshkumar Dhamija
Sole Proprietor
M/s. Suresh Enterprises ..Petitioner.

Vs.

Union of India & Ors. ..
Respondents.

....

Mr. R.V. Govilkar for the Petitioner.

CORAM: DR.D.Y.CHANDRACHUD, J.

10th April, 2006.

P.C. :

The application filed by the Petitioner under Section 14 of the Arbitration Act, 1940 came to be dismissed on the ground that it was barred by limitation. The arbitration admittedly is governed by the provisions of the Arbitration Act, 1940. In the present case the award was made on 9th November, 1989 and a copy thereof was received by the Petitioner on 16th November, 1989. The earlier application filed by the Petitioner was dismissed in default on 16th August, 1991, while the present suit came to be instituted on 15th October, 1992. Section 30 of the Arbitration Act, 1940 provided that

all the provisions of the Limitation Act apply to arbitrations as they apply to proceedings in Court. Article 119-A of Part 10 of the Schedule to the Limitation Act provides a period of limitation of 30 days for making of an application for the filing of an award in Court and time begins to run from the date of service of the notice of the making of the award. In the present case, having regard to the provisions of Article 119-A of the Schedule to the Limitation Act, the application was also beyond the period of limitation prescribed from the date of receipt of the award. There is no merit in the Petition, which is dismissed.